

CITY OF SANTA FE

ADMINISTRATIVE MANUAL

Originating Business Unit:

Risk and Safety Administration



SUBJECT

Risk Management Claims Committee	Policy Number 62103-7-2	# Pages 03
	Effective Date 09-17-2001	Revision Date 09-17-2001

1.0 PURPOSE:

- 1.1 The purpose of this policy is to provide authorization and guidelines for the review committees for the city's self-insured funds consisting of general liability, law enforcement, and worker's compensation.

2.0 APPLICABLE TO:

- 2.1 This policy applies to the above self-insured programs.

3.0 REFERENCES:

- 3.1 Applicable city insurance policies and programs.
- 3.2 Resolution No. 1988 – 11 Worker's Compensation.
- 3.3 Risk management Policies and Procedures Manual.

4.0 DEFINITIONS:

- 4.1 Various terms are defined in the above references.

5.0 POLICY:

- 5.1 The various city self-insured insurance programs as identified above shall have a committee to review and authorize appropriate action necessary for effectively and efficiently resolving claims against the city.

6.0 PROCEDURES:

- 6.1 The committees may include as applicable:
 - a. General Liability Claims Review Committee
 - b. Law Enforcement Claims Review Committee
 - c. Worker's Compensation Claims Review Committee


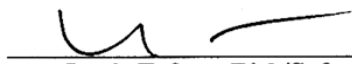
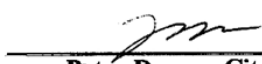
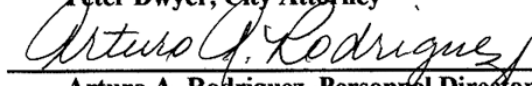
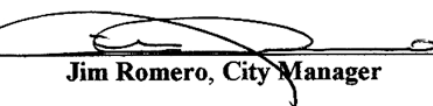
- 6.2 A representative from the City Attorney's Office and the Risk Management Office shall serve as advisory members. The Claims Review Committee shall not be held unless legal council is present.
- 6.3 The City Manager shall appoint department and/or division directors as the voting members of committee. The City Manager may serve as a member of the committee(s).
- 6.4 All claims in which the adjuster feels settlement value will exceed \$15,000 must be presented to the committee. The committee shall convene as necessary to review and consider cases.
- 6.5 A quorum consists of a majority of the voting members and is required to authorize any action.
- 6.6 For action, a motion and a second are required with a majority vote deciding. The risk management officer (or designee) shall record date and action taken, which shall be maintained as a record and a copy of which shall be forwarded to the City Manager.
- 6.7 The committee shall conscientiously listen to and evaluate the facts of the case as presented by the city's adjuster, risk management director, department directors, staff involved in the case or who have information associated with the case, city attorney(s), or other attorney(s) retained by the insurance carrier to defend the case.
- 6.8 The committee is authorized to approve settlements, to request additional information or take other action deemed to be in the best interest of the city after considering all factors.
- 6.9 The city shall aggressively defend itself in cases in which compensation is not warranted. The committee shall not authorize settlements without recognizing city liability, although the cost of defending a case shall be judiciously weighed against potential settlement costs.
- 6.10 The committee may make any recommendation which will efficiently and effectively resolve the claim or which will assist in the negotiation of the claims such as mediation or binding arbitration. The committee shall recognize the impact of potentially precedent setting determinations and how those determinations will affect the program in the long term.
- 6.11 The review committee shall have access to information on each case, however, the committee must fully recognize that confidentiality is crucial and must be maintained at all times. The discussions and recommendations of the committees are protected by the attorney-client privilege. Disclosure of confidential information by an employee on a committee will subject the employee to disciplinary action up to and including termination.

- 6.12 Committee members shall excuse themselves if a conflict of interest exists with a case. Committee members shall not participate in a determination that would potentially benefit themselves, friends or family members.
- 6.13 The committee shall recognize that failing to follow the recommendation of excess insurance carriers may result in additional liability. If the applicable insurance coverage policy related to the case does not contain a "consent to settle" clause, the committee vote shall be deemed solely a recommendation to the excess insurance carrier.

7.0 APPENDIXES:

- 7.1 None.

8.0 REVIEW AND APPROVALS:

- 8.1 PREPARED BY:  12/19/01
Barbara Boltrek, Claims Administrator DATE
- 8.2 REVIEWED BY:  12/19/01
Louis Tafoya, Risk/Safety Director DATE
- 8.3 REVIEWED BY:  12/24/01
Peter Dwyer, City Attorney DATE
- 8.4 REVIEWED BY:  12/24/01
Arturo A. Rodriguez, Personnel Director DATE
- 8.5 APPROVED BY:  1/3/02
Jim Romero, City Manager DATE